

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

HIREN PATEL,

Plaintiff,

v.

SHARON K. SMITH, NICOLE
JOHNSON, and SJ SUBS, LLC,

Defendants.

Civil Action

No. 10-4165

ORDER

AND NOW, this 11th day of July, 2011, upon consideration of plaintiff's complaint, defendants' motion to dismiss, defendants' memorandum in support of that motion, and plaintiff's memorandum in opposition to that motion, and for the reasons provided in the accompanying memorandum, it is hereby **ORDERED** that:

1. Defendants' motion to dismiss (Docket No. 4) is **GRANTED**;
2. Count 3 of the complaint, to the extent it relies upon 18 U.S.C. § 1343, is **DISMISSED** with prejudice;
3. All other Counts are **DISMISSED**; and
4. Plaintiff may amend the complaint to allege the presence of diversity jurisdiction not later than 15 days from the date of this order.

BY THE COURT

/s/ Louis H. Pollak
Pollak, J.